

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: Caplan, *et al.***FAX RECEIVED**

Examiner: Weddington, K8 2004

Serial Number: 09/976,963

**JUN 18 2004**

Art Unit: 1614

Filing Date: 10/12/2001

PETITIONS OFFICE Attorney Docket: 2002834-0115

Title: Conductance of Improperly Folded Proteins Through the Secretory Pathway and Related Methods for Treating Disease

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**Certificate of Facsimile Transmission**I certify that this paper is being facsimile transmitted to the  
Commissioner for Patents/P.O. Box 1450, Alexandria, VA 22313-14506-18-04 *Sandra Saccoccia*  
Date Signature

Sandra Saccoccia

Typed or Printed Name of person signing certificate

Sir:

**RE: PETITION TO WITHDRAW APPLICATION FROM ISSUE****UNDER 37 C.F.R. §1.313(c)**

I submitted a Petition to Withdraw Application from Issue, a Request for Continued Examination, an Information Disclosure Statement, and a PTO-1449 on April 5, 2004, using the Special Procedures Submission and fax number per instructions on the USPTO web site. I utilized the Certificate of Facsimile Procedures as suggested by the USPTO.

I have never received an answer to the Petition and just received an Issue Notification indicating that the patent is scheduled to issue on June 22, 2004. I urgently request a decision on the Petition and immediate withdrawal of the case from issue. I am herewith faxing the entire submission again, along with a return receipt confirmation that the original facsimile transmission was received by the USPTO on 4/5/2004.

06/21/2004 CKHLOK 00000013 031721 09976963  
01 FC:1460 130.00 DAChoate, Hall & Stewart  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: June 18, 2004.  
3676169\_1.DOC

Respectfully submitted,

*Monica R. Gerber*

Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

**CHOATE  
HALL &  
STEWART**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

**FAX RECEIVED****JUN 18 2004****PETITIONS OFFICE****Fax Transmittal Sheet****RECIPIENT****COMPANY****FAX****PHONE**Sherry Brinkley or Frances  
Hicks

703-305-4257

**FROM**

Monica R. Gerber, M.D., Ph.D.

**NUMBER OF PAGES** 25**DATE**

June 18, 2004

**CLIENT NUMBER** 2002834-0115**PHONE**

(617) 248-5071

**OPERATOR****TIME SENT****COMMENTS**

Dear Sherry,

Per our conversation this afternoon, I am herewith faxing the original petition and related documents, confirmation they were received on 4/5/2004, and a letter requesting a decision on the petition.

Thank you.

Monica Gerber

**RETURN BY**

Inter-office Mail

Hold for pick-up

3711708\_1.DOC

This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

***SPECIAL PROCEDURES SUBMISSION*****FAX RECEIVED****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** JUN 18 2004Applicant: Caplan, *et al.*Examiner: Weddington, K. **PETITIONS OFFICE**

Serial Number: 09/976,963

Art Unit: 1614

Filing Date: 10/12/2001

Attorney Docket: 2002834-0115  
(Yale No. OCR 922)Title: Conductance of Improperly Folded Proteins Through the Secretory Pathway  
and Related Methods for Treating DiseaseCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Certificate of Facsimile Transmission	
I certify that this paper is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
4-5-04	<i>Sandra Saccocia</i>
Date	Signature
Sandra Saccocia	
Typed or Printed Name of person signing certificate	

**PETITION TO WITHDRAW APPLICATION FROM ISSUE****UNDER 37 C.F.R. §1.313(c)**

A Notice of Allowance in the above case was mailed November 4, 2003, and Applicant submitted the Issue Fee on January 15, 2004. Upon reviewing the file it was determined that an Information Disclosure Statement under 37 C.F.R. § 1.56, 1.97, and 1.98 had not been filed in the case. In accordance with 37 C.F.R. §1.313(c)(2), Applicant therefore respectfully requests withdrawal of the case from issue in order to file a Request for Continued Examination under 37 C.F.R. §1.114. The Request for Continued Examination and an Information Disclosure Statement (IDS) under 37 C.F.R. §1.97 are enclosed herewith. The references listed on the PTO-1449 will follow by mail shortly.

If, at any time, it appears that a phone discussion would be helpful or if questions arise regarding this Petition, the Request for Continued Examination, or any other aspect of the case, please do not hesitate to contact the undersigned at (617) 248-5071.

***SPECIAL PROCEDURES SUBMISSION***

Please charge the petition fee indicated in 37 C.F.R. § 1.17(h) and any other fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,



Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
Dated: April 5, 2004.

3676169\_1.DOC